

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

BERNARD WEATHERSBEE, )  
Plaintiff, ) CASE NO. 1:20-CV-1423  
v. )  
WARDEN DAVID GRAY, ) JUDGE BRIDGET MEEHAN BRENNAN  
Defendant. ) **OPINION AND ORDER**

Before the Court is the Report and Recommendation (“R&R”) of Magistrate Judge Carmen E. Henderson, recommending that Bernard Weathersbee’s (“Petitioner”) petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied. (Doc. No. 12.)

Once a magistrate judge issues a report and recommendation, the relevant statute provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C) (flush language).

The failure to file written objections to a magistrate judge’s report and recommendation constitutes a waiver of a *de novo* determination by the district court of any issue addressed in the report and recommendation. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff’d* 474 U.S. 140 (1985); *see also United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Petitioner is not represented by counsel. The R&R was issued on April 25, 2023. (Doc. No. 12.) On May 8, 2023, Petitioner filed a motion for extension of time to file objections to the R&R. (Doc. No. 13.) On May 10, the Court granted Petitioner’s motion and ordered his

objection be filed by May 30, 2023. (5/10/2023 Non-Document Order.) The time period for filing objections has passed, and no objection by Petitioner has been received by the Court. *See Peoples v. Hoover*, 377 F. App'x 461, 463 (6th Cir. 2010) (recognizing that courts have enforced the rule requiring objection to a magistrate report regularly against *pro se* litigants).

The Court has reviewed the R&R and adopts the same. Accordingly, Weathersbee's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is denied. The Court certifies that there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed. R. App. P. 22(b).

**IT IS SO ORDERED.**

**Date:** July 24, 2023



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BRIDGET MEEHAN BRENNAN  
UNITED STATES DISTRICT JUDGE